IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO. 1320 OF 2007

IN

SUIT NO. 1717 OF 1984

Ramniklal S. Shah .... Plaintiff

Vs.

Gautam Surendra Jhaveri & Ors. .... Defendants

Ms. Ujwala Sawant i/b R.V. Govilkar for Plaintiff.
Ms. Sunanda R. Kumbhar for defendant no. 3(D).
Mr. K. Tated a/w Mr. A.K. Saxena for defendant nos. 2 and 4.

CORAM : S.J. VAZIFDAR, J.
DATE : 8TH OCTOBER, 2007

P.C.

1) This Chamber Summons is taken out by plaintiff for condonation of delay of 1020 days in taking out the Chamber Summons for bringing the heirs of defendant no. 3 on record. Defendant No. 3 expired on 31st December 2000. However, intimation thereof under Order 22, Rule 10(A) of the C.P.c. was given by his Advocate to the plaintiff's Advocate after almost three years by a letter dated 14th October 2003.

2) This Chamber Summons was taken out on 14th August 2007, after a delay of almost three years.

3) It appears that in the meantime the plaintiff's Advocate had left Bombay and started practising in Delhi. The delay appears to be only on account thereof. The plaintiff is 80 years old and in the circumstances, it would be unfair not to condone the delay, which has not affected the parties in any manner.

4) In the circumstances, Chamber Summons is made absolute in terms of prayer clauses (a) to (d). Amendment to be carried out within four weeks from today.